BOARD OF APPEALS for MONTGOMERY COUNTY

100 Maryland Avenue, Suite 217 Rockville, MD 20850

(240) 777-6600

http://www.montgomerycountymd.gov/boa/

CASE NO. A-6748

PETITION OF SCOTT AND COLLEEN LEE

NOTICE OF HEARING

Please take notice that the Board of Appeals for Montgomery County, Maryland, will hold a public hearing, pandemic-related conditions permitting, in the Stella B. Werner Council Office Building Second Floor Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland, on Wednesday, the 15th day of June, 2022, at 9:30 a.m., or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 59-7.3.2.A of the Zoning Ordinance. In the event that an in-person hearing cannot be held, the Board will convene this hearing using technology (Microsoft Teams) in lieu of in-person attendance. Instructions for remote participation in this hearing will be posted on the Board's webpage (address above) if that becomes necessary.

The proposed construction, a second floor addition, requires a variance of four (4) feet as it is within twenty-one (21) feet of the front lot line. The required setback is twenty-five (25) feet, in accordance with Section 59-4.4.9.B.2 of the Zoning Ordinance.

The subject property is Lot P2, Block 11, PT LT 3 Gibbs & Kosacks Subdivision, located at <u>205 Spring Avenue, Takoma Park, Maryland, 20912</u> in the R-60 Zone. (Tax Number Account No. 13-03172632)

Notices forwarded this 13th day of May 2022, to:

Scott and Colleen Lee Eric Saul Cliff Royalty, Esquire, Associate County Attorney Washington Suburban Sanitary Commission State Highway Administration County Board of Education Contiguous and confronting property owners Local Citizens Associations

County Board of Appeals

Barbara Jay

Executive Director

All parties who make submissions, after an initial filing, in Special Exception, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purpose of this requirement, a party includes: (1) Counsel of record who have formally entered their appearance; (2) Any person to whom the Board of Appeals has granted Intervener status; and (3) The Applicant, Petitioner or Appellant in the case.

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties. Effective September 6, 2002, failure to supply such written certification will result in refusal of the submission.

Case files are available for public review at the office of the Board of Appeals, Monday through Friday, 8:30 a.m. – 4:00 p.m.

BOA Form 2 (Revised 10/29/14)

BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLAND (240) 777-6600

Docket No. A-	6748
Date Filed	4-27-22
Hearing Date	6.15.22
Time	9.30a.m.

EXHIBIT NO. ____

PETITION FOR VARIANCE UNDER ZONING ORDINANCE

(Please Note Instructions on Reverse Side)
(PLEASE PRINT)

Name of Petitioner(s): Scott and Colleen Lee							
Address of Petitioner(s): 205 Spring Avenue	City Takoma Park, MD Zip 20912						
Description of property involved: LotBlock_11	1 Parcel 0000 Subdivision 0025						
Street and No. 205 Spring Avenue City Ta	akoma Park, MD Zip 20912 Zone Classification R-60						
Appellant's present legal interest in above property (check one): Tax Account No. 03172632 X Owner (including joint ownership) Other (describe)							
If not owner, name and address of owner:							
What variance is requested, and what is the pertin Ordinance? Construction inside the front yard setback	nent section of the Zoning c, Section 59.4.4.9.B.2						
Check existing reason(s) why the Ordinance requirement(s) would result in practical difficulties for property owner: narrownessshallownessshapetopography Xother extraordinary situations or conditions peculiar to this property.							
Describe this property's extraordinary situation or peculiar conditions compared to neighboring properties: The existing house was originally built approx. 4 feet into the front yard setback							
How will the peculiar condition described above re granted? Structurally not feasible to construct a 2nd flo built over the existing exterior bearing walls	esult in practical difficulty if the requested variance is not oor addition over the existing 1st floor and not have new walls						
Date of recording of plat of present subdivision: 1933 ; or, if property is un-subdivided, date on which deed recorded, or state that such deed was first recorded prior to March 6, 1928:							
Has any previous variance application involving this property been made to the Board of Appeals? If so, give Case Number(s): no							
I have read the instructions on the reverse side of information. I hereby affirm that all of the statement	ents and information contained in or filed with this petition ar						
true and correct. Fric C. Saul	Scott and Colleen Lee Scott Lee						
Name of Attorney/Agent (Print Name next to Signature) 8114 Carroll Avenue, Takoma Park, MD 20912	Signature of Petitioner(s) (Print Name next to Signature) 205 Spring Avenue, Takoma Park, MD 20912						
Address of Attorney 714-553-1750	Address of Petitioner 301-512-8929						
Phone Number (OVER)	Home Phone Work Phone						

JUSTIFICATION STATEMENT

Property: 205 Spring Avenue, Takoma Park, MD 20912, Tax Map JN51, Lot P2 of Block 11,

Subdivision 0025

Land Area: 6,750 square feet

Petitioner: Scott and Colleen Lee, Owner

Request: Proposed second floor addition over existing footprint of first floor within the required

front setback (Section 59-4.4.9.B.2)

Zone: R-60

Factual Background

Per Section 59-4.4.9.B.2 of the Montgomery County Zoning Ordinance, the subject lot has setback requirements of 25 feet in the front yard, 7 feet in both side yards, and 20 feet in the rear yard (See Site Plan attachment). Petitioner purchased the existing property with the existing two-story structure located within the 25' front setback (actual distance is approximately 21 feet from the front property line).

Reason for Appeal

Petitioner proposes a new second-story addition over the entire footprint of the existing first floor structure, which is located 4 feet into the front setback. The existing second floor is currently 21 feet from the front property line, but will be completely demolished and replaced with a new second floor addition. Montgomery County Zoning Department reviewed and denied the building application on April 22, 2022 (Permit Number 387300) citing Section 59-4.4.9.B.2 of the Montgomery County Zoning Ordinance. It was recommended by the Zoning Department that the Petitioner obtain a variance for the addition from the Board of Appeals.

Applicable Portion of Zoning Code

Petitioner is seeking a variance for the addition under the Montgomery County Zoning Code Section 59-4.4.9.B.2. Petitioner proposes to construct the addition 21' from the front property line, a distance no closer to the property line than the existing structure below. The height of the addition will not exceed the height limit of the R-60 zone which is 30' to the roof mean height.

Evidence Supporting Variance

Pursuant to Section 59-7.3.2.E of the Montgomery County Zoning Ordinance, the Board of Appeals must make affirmative findings on each of the following requirements (Only one of the E.2.a requirements need to be met) and the following evidence will support those findings.

E.2.a.ii The Proposed development uses an existing legal nonconforming property or structure.

The existing structure was built in 1933. At the time it was built, the house was located approx. 21' from the front property line. The setbacks were not established at the construction of the existing house, therefore the existing structure is considered legal and nonconforming.

E.2.b. The Special circumstances or conditions are not the result of actions by the Petitioner

Per the State Department of Assessment and Taxation Real Property /Search website, the primary structure for the subject property was built in 1933. Petitioner purchased the property in 2021. The existing structure was not constructed by the Petitioner, nor were the conditions a result of actions by the Petitioner.

E.2.c The requested variance is the minimum necessary to overcome the practical difficulties that full compliance with this Chapter would impose due to the unusual or extraordinary situations or conditions on this property.

Without a variance, it would be impractical to build new exterior walls not directly over existing bearing walls. Additional steel beams, columns, and posts would be required down through the existing home all the way through the basement to bear the weight of the addition. The existing house is situated on the lot in such a way that eliminates that opportunity to match what many neighbors have been able to do, which is to construct a full second floor addition, especially on houses with small footprints compared to modern homes built today. Being able to add a full second floor would provide much needed space to create a more appropriately sized home for this family.

E.2.d The variance can be granted without substantial impairment to the intent and integrity of the general plan and applicable master plan.

By keeping within the existing footprint 21 feet from the front lot line, the proposed addition preserves the residential character of the neighborhood while allowing the Petitioner to invest in their home and enhance their quality of life. It is our strong belief that the variance can be granted without impairment to the intent and integrity of the general plan and any applicable master plan in this area.

E.2.e The granting of the variance will not be adverse to the use and enjoyment of abutting or confronting properties

The proposed addition of a new second floor on the existing structure will not extend beyond the existing footprint below, thus it will not negatively impact the adjacent properties. The addition will not negatively impact the character, health, safety, welfare, or security of the neighboring residents. Many of the neighboring houses have built similar additions to what the Petitioner is proposing.

Conclusion

Petitioner submits that the subject application meets the evidentiary requirement of demonstrating the subject property's unique and unusual situation when compared to adjoining properties and the current neighborhood; and that this uniqueness causes the zoning requirements to disproportionately impact the reasonable use and enjoyment of this property, thus creating a practical difficulty.

Respectfully submitted,

EncSul

Eric C. Saul, Architect

8114 Carroll Ave

Takoma Park, MD 20912

Phone: 301.270.0395 eric@saularchitects.com

Agent for Petitioner



Marc Elrich
County Executive

NAME:

SCOTT & COLLEEN LEE

Mitra Pedoeem Director

BUILDING PERMIT DENIAL

The Department of Permitting Services cannot issue a building permit for the property indicated below without a variance from the Montgomery County Board of Appeals.

				EXHIBIT NO.	6
Signature	U		Date		
Meliss	ra Goidos	4	1/22/2022		_
The proposed o	construction new 2nd floor walls within the rec	quired 1	front setback		
	etback is 25.00 ft. in accordance with Section			•••	
	construction requires a 4.00 ft. variance as it is	within	21 00 ft of the front lot lin	ne.	
N	OTHER	IN	daraob/card ord		
N	SHED ACCESSORY STRUCTURE	N	FENCE/RETAINING W GARAGE/CARPORT	ALL	
N	PORCH	N	DECK	7 A T T	
Y	ROOM ADDITION	N	SWIMMING POOL		
TYPE OF CON	NSTRUCTION:				
N	NEW SINGLE-FAMILY DWELLING				
Y	NON-CONFORMING	N	NON-COMPLYING		
Y	EXISTING STRUCTURE	N	PROPOSED STRUCTU	RE	
THE VARIAN	NCE REQUEST IS FOR		_		
LOT - BLOCK	K: P2 - 11		ZONE:R-60		
	TAKOMA PARK, MD 20912				
ADDRESS:	205 SPRING AVE				

NOTEX CONCERATING ZONING IN RIGHTEN-OF-JUAY
1. Zone bumment must not be depended in public independent in the centerline of each right-of-way,
1. Zone bumment must not be depended in public independent of public of-way,
1. Zone bumment within applie-of-way previously dedicated by plat or other method of and individual can be
a missing a manifest propose, individual control and an annotation can be
a missing be war conting assigned in the man amendment. R-60 Takoma Park/East Silve Spring Overlay 9 9 9 1 Spring Overlay - 88 100 Ē \equiv BERRE! 1日日日日 1日 N . 100 mille Z MONTGOMERY COUNTY ZONING MAP The Maryland-National Capital Park and Planning Commission Montgomery County Planning Department 1,250 Feet 250 500 Printed: 4/27/2022 208NE01 G-791 G-956 205 SPRING AVE TAKOMA PARK, 20912 1 inch = 250 feet Enterprise Zone
Arts & Ent. District Water/Sewer Categories W-1 / S-1 Single Family Deteched PT LT 3 GIBBS & KOSACKS Special Tax District Bike/Ped Priority Area

Zone Overlay Zone

TDR Overlay Zone

Percel Lot Block NA P2 11

Perking District

EXHIBIT NO.

I certify that this document is a copy of the official Montgomery County Zoning Maps as downloaded on 4/27/2022 from MCATLAS,ORG/ZONING,

Urban Renewal Area

Priority Funding Area Septic Tier

Historic Site/District

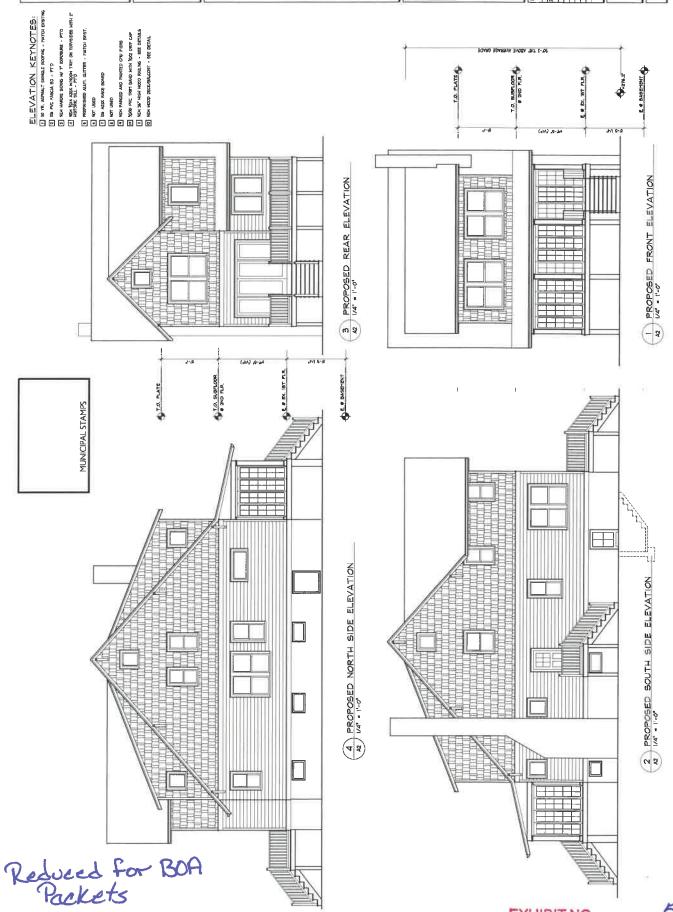
Tier 1: Sewer existing

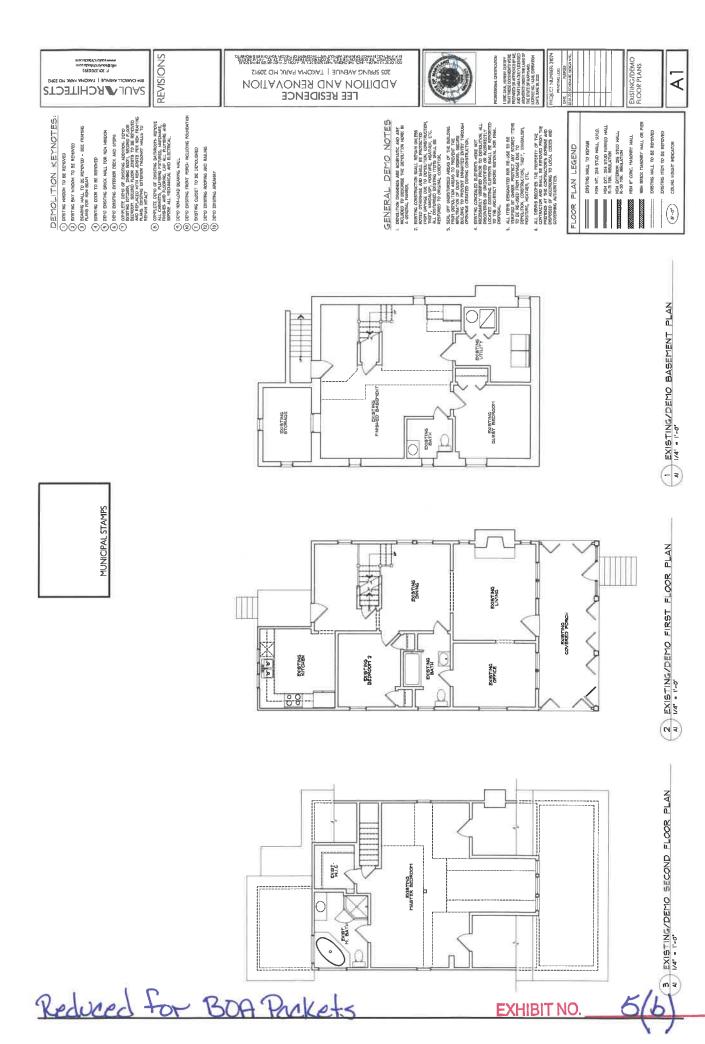
205 SPRING AVENUE | TAKOMA PARK, MD 20912

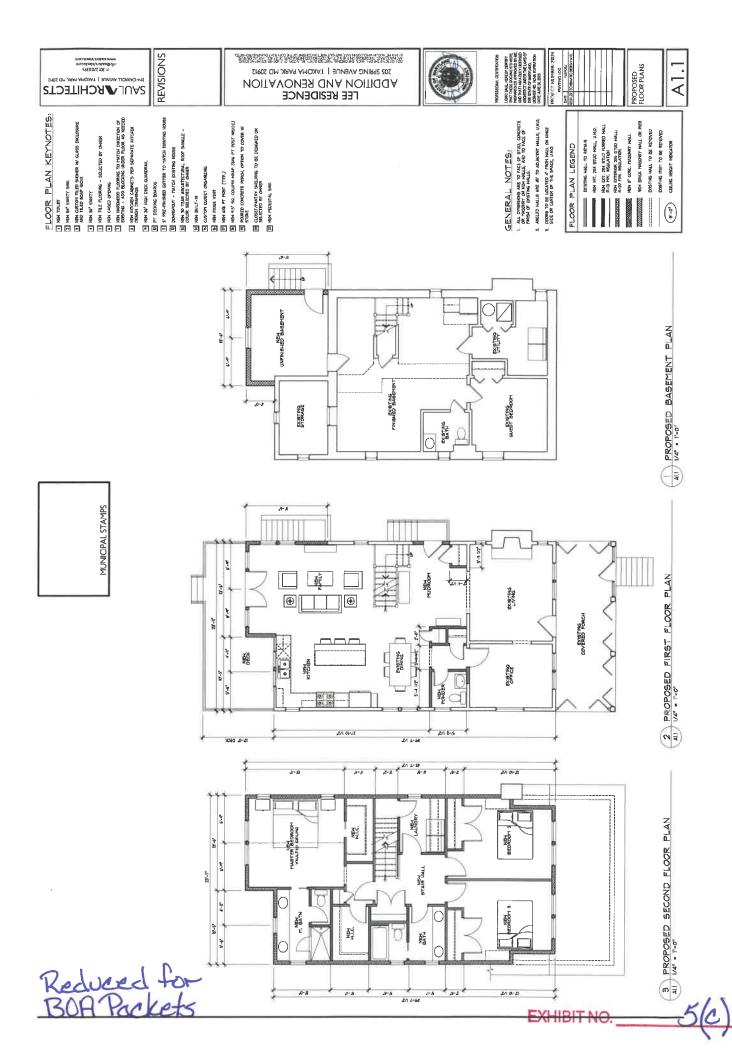
PDDILION AND BENOVATION LEE RESIDENCE

2000 SZ 10E. R moz dzatrtznokoe Bolm mos staatrtznokoe www SAULARGULA AVENUE I TANCONA PARK MD 20972

REVISIONS







Montgomery County Board of Appeals
100 Maryland Ave Unit 217
Rockville, MD 20850
Subject: Variance Application A-6748 (205 Spring Avenue)

To Whom It May Concern,

I have seen the proposed projected for 205 Spring Avenue, Takoma Park, MD 20912 submitted by Scott and Colleen Lee and support the approval of the variance (A-6748).

Please let me know if you have any questions.

Sincerely,

Julia Baumberger

203 Spring Avenue

Takoma Park, MD 20912

(202) 657-7389

Julia.baumberger@gmail.com

Montgomery County Board of Appeals 100 Maryland Ave Unit 217 Rockville, MD 20850 Subject: Variance Application A-6748 (205 Spring Avenue)

To Whom It May Concern,

I have seen the proposed projected for 205 Spring Avenue, Takoma Park, MD 20912 submitted by Scott and Colleen Lee and support the approval of the variance (A-6748).

Please let me know if you have any questions.

Sincerely,

Peter j Lane

Peter Lane 207 Spring Avenue Takoma Park, MD 20912 (301) 377-2684 Peter.lane100@gmail.com

CASE NO. A-6748

PETITION OF SCOTT AND COLLEEN LEE

EXHIBIT LIST

1.	Application
2.	List of adjoining/confronting property owners
3.	Statement of Justification
4.	(a) Site Plan(b) Building Envelope(c) Topography
5.	 (a) Proposed North Side, Rear, South Side and Front Elevations-(A2) (Large) (b) Existing/Demo Second Floor, First Floor and Basement Floor Plan-(A1) (Large) (c) Proposed Second Floor, First Floor and Basement Floor Plan-(A1.1) (Large)
6.	DPS building permit denial
7.	(a)-(b) Letters of Support
8.	Zoning Vicinity Map
9.	(a) Envelope showing date notice mailed(b) Notice of hearing scheduled for June 15, 2022
10.	<u> </u>
11:	<u></u>
12.	;
13.	
14.	
15	

Real Property Data Search () Search Result for MONTGOMERY COUNTY

View Map \	/iew GroundRent	Redemption	View Ground	View GroundRent Registration					
Special Tax Recapture: No	ne			Tread the except					
Account Identifier: District - 13 Account Number - 03172632									
Owner Information									
Owner Name:	LEE SCC	TT PATRICK	Use:	RESIDENTIAL					
Owner (varie.		LEEN MASCHAL	Principal Resid						
Mailing Address:	205 SPR	ING AVE	Deed Referenc	e: /63615/ 00221					
	TAKOMA	PARK MD 20912-4805							
	Location & Structure Information								
Premises Address:		205 SPRING AVE TAKOMA PARK 20912-4805		ion: PT LT 3 GIBBS & KOSACKS					
Map: Grid: Parcel: Neighb	orhood: Subc	livision: Section: Block	k: Lot: Assessmen	t Year: Plat No: A-1022					
JN51 0000 0000 1305250			P2 2022	Plat Ref;					
Town: TAKOMA PARK		•							
Primary Structure Built Ab	ove Grade Livi	ng Area Finished Base	ment Area Proper	ty Land Area County Use					
•	48 SF	600 SF	6,750 S	•					
StoriesBasementType	Exterio	rOualityFull/Half Bath	GarageLast Notice	of Major Improvements					
•	RD UNITFRAME		3						
		Value Information							
	Base Valu	e Value	Phase-in Asse	ssments					
		As of	As of	As of					
		01/01/2022	07/01/2021	07/01/2022					
Land:	338,100	338,100							
Improvements	312,300	560,000							
Total:	650,400	898,100	650,400	732,967					
Preferential Land:	0	0							
		Transfer Information							
Seller: NICINSKA JUSTYNA ETAL		Date: 07/29/2021	Pr	ice: \$913,000					
Type: ARMS LENGTH IMPR	OVED	Deed1: /63615/ 00221	D€	eed2:					
Seller: HILL NICHOLAS D		Date: 10/15/2015	Pr	ice: \$589,000					
Type: ARMS LENGTH IMPR	OVED	Deed1: /51116/ 00070	D€	eed2:					
		Date: 03/04/2010	Price: \$563,000						
Type: ARMS LENGTH IMPR	OVED	Deed1: /38932/ 00369	De	eed2:					
		Exemption Information	n						
Partial Exempt Assessmen	ts: Class		07/01/2021	07/01/2022					
County:	000		0.00						
State:	000		0.00						
Municipal:	000	***	0.00 0.00	0.00 0.00					
Special Tax Recapture: None									
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit A	pplication Stat	us: No Application	Date:						
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